

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5649 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NIRANJAN MILLS

Versus

STATE OF GUJARAT

Appearance:

MRS KETTY A MEHTA for Petitioner

MR HM BHAGAT for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 18/08/98

ORAL JUDGEMENT

Rule. Service of rule is waived by Mr. P.S.Patel, learned advocate appearing for Mr. H.M.Bhagat, learned Additional Solicitor for the respondents. On the facts and circumstances of the case, this matter is taken up for final hearing today.

2. Heard.

3. This petition has been filed against the impugned orders dated 9th March, 1998 whereby the Deputy Collector and the Stamp Duty Valuation Officer has refused to accept the deposit of 25 percent of the amount of additional stamp duty on the ground that the appeal has not been preferred within the prescribed period of limitation. It appears that the appeals sought to be filed by the petitioner were also not accepted on account of some alleged procedural draw backs on the part of the petitioner. I have gone through the various contentions raised in this petition. Bearing in mind the facts set out in the petition and in the circumstances of the case, following directions are required to be issued :

Respondent No. 3 will accept the amount of deposit to the extent of 25 percent of the additional stamp duty, if tendered, within a period of three weeks from today. After acceptance of the 25 percent of deposit accordingly, the appeals sought to be filed by the petitioners shall be accepted and entertained on merits. It is further directed that till the appeals are decided, coercive action for recovery of the balance amount will not be taken.

In view of the aforesaid directions, Ms. Mehta, learned advocate appearing for the petitioner seeks leave to withdraw this petition. Leave is granted. Petition stands disposed of as withdrawn. Rule is discharged accordingly with no order as to cost.
